

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

ELITE LOGISTICS SERVICES, INC.,	§	
ET AL.	§	
	§	
VS.	§	CIVIL ACTION NO. G-02-866
	§	
ATX TECHNOLOGIES, INC., ET AL.	§	

OPINION AND ORDER

Before the Court is a Report and Recommendation of the United States Magistrate Judge which recommends that “Bobby Ford, Inc.’s Motion for Summary Judgment of Non-Infringement and for Attorneys’ Fees Under 35 U.S.C. § 285” and “Defendant ATX Group, Inc.’s Motion for Partial Summary Judgment of Non-Infringement and for Attorneys’ Fees Under 35 U.S.C. § 285” be granted. After four extensions of the due date for the filing of objections, the Parties in a “Notice Concerning Conditional Settlement” informed the Court that no objections would be filed.

The Court has now given this matter appropriate review under Rule 72(b) of the Federal Rules of Civil Procedure and finds that the Report and Recommendation is a well-reasoned application of the law to the facts in this case and is satisfied that there is no clear error on the face of the record. Campbell v. United States Dist. Court, 501 F.2d 196, 206 (9th Cir.) cert denied, 419 U.S. 897 (1974) The Report and Recommendation (Instrument no. 161) is, therefore, **ACCEPTED** by this Court in its entirety and incorporated by reference herein.


It is, therefore, the **ORDER** of this Court that “Bobby Ford, Inc.’s Motion for Summary Judgment of Non-Infringement and for Attorneys’ Fees Under 35 U.S.C. § 285” (Instrument no.

126) is **GRANTED** in part and that all infringement claims asserted by Plaintiffs in regard to any accused devices made by Motorola after May 27, 1999, are **DISMISSED with prejudice**.

It is further **ORDERED** that “Defendant ATX Group, Inc.’s Motion for Partial Summary Judgment of Non-Infringement and for Attorneys’ Fees Under 35 U.S.C. § 285” (Instrument no. 145) is **GRANTED** in part and that all infringement claims asserted against it by Plaintiffs in regard to any accused devices made by Motorola after May 27, 1999, and used in the following vehicles and/or systems: BMW, Rolls-Royce, Lincoln (RESCU and VCS), Visteon (VEMS), Jaguar (Assist), Infiniti (Communicator), Mercedes-Benz (Tele-Aid), and the first generation On-Guard Tracker are **DISMISSED with prejudice**.

It is further **ORDERED** that this matter is **RETURNED** to the United States Magistrate Judge for any and all further pretrial proceedings.

DONE at Galveston, Texas, this 9th day of July, 2007.



Samuel B. Kent
United States District Judge